

To: Docket Number MC 96-28
Attention Office of the General Counsel, ~~FDWA~~
400 Seventh Street, SW
Washington, DC 20590

From: Preston M. Brown Jr.
935 N. West St.
Carlinville, IL 62626

97 JAN 4 AIO : 0 Jan. 26, 1997

LEGS./REGS. DIV.

QA - 21446

Dear Sirs:

FHWA -97-2350-24

I've been out here on the road now for 25 years. I have found just a few things wrong with the hours of service regulations. I would like to suggest just a couple of things.

1. I think the driver should be allowed a minimum of 10 hours of uninterrupted sleep with a work day of 14 hours total in a 24 hour week. Working 15 hours a day is enough for anybody. The average driver has a difficult time of getting good quality sleep. The company I work for allows only 8 hours of off duty time before he has to start work again. It starts from the time a driver leaves the yard to the time a person starts again. This is not enough time. A person has to drive home, (lets say 30 minutes). A person likes to say something to his or her family, eat and get cleaned up before going to bed. Let us call it (60 minutes). When a person gets up from bed he or she likes to wash have something to eat before leaving the house, (45 minutes). Of course now we have to drive back to work (30 minutes) The companies I have worked for sometimes wakes us up with phone calls.

This person now is expected to work up to 9 to 15 hours again before going off duty with only 5 hours and 25 minutes of sleep. The company I work for does this quite often, it is certainly not a safe way to work.

2. I would leave the way the 70 hours in an 8 day work week alone. Reason: After working 70 hours a person is just plain wore out. The average truck driver has little time to relax at home. The drivers families are under a lot of stress with him or her working so many hours per week. Truck drivers have a very high divorce rate. The children seldom see the head of the family.

3. Drivers should be on duty, bottom line from the time he arrives on site at a shippers or receivers location and these hours should be deducted from the 70 hours per week. Drivers should be paid for the work that is performed or the time waiting to start working at a shipper or receivers location. The driver should not be released from duty while sitting on the shippers or receivers location because of delays caused by the shipper our receivers. The driver should also be paid for his or her time while waiting. Right now many companies require that you sit on the shippers and receivers property up to 2 hours without being paid. This should be against the law!!

Also right now the drivers who deliver to grocery warehouses are required to unload and separate different commodities on different pallets. This is actually doing the warehousemen's work. The driver is seldom compensated above minimum wage if he is compensated at all.

My final closing words are these. There is no shortage of good qualified drivers!!! The trucking companies shippers, and receivers want you to believe there is. Their reason is this. They want a throw away driver, they do not want to compensated a driver with decent wages, they don't care about the driver or their families, no matter what they keep telling you. The good companies, who pay good wages, get their drivers home, and treat their workers with respect have no trouble finding good drivers and they never will have trouble.

Thank You

Preston M. Brown Jr.

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ADMINISTRATION

January 23, 1997

To: Docket Clerk,

07 JAN 4 AIO : 01

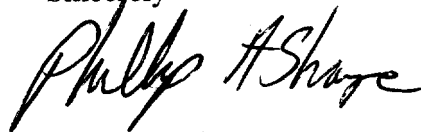
I would like to make a few comments about truck driver log books. I am a company driver on a local haul DIV. do not cross state borders and I am home every night. In my mind log books should be eliminated. It makes no sense to me to have a truck driver stopped along side the road, filling out a log book, while the rest of the world uses computers. Almost anybody from the sixth grade up knows how to fudge a log book, so why use them? Our company runs tachographs, and that to me is a more accurate record of what I did when and at what time. Again, I advocate scrapping log books as a waste of time.

As for hours of service I believe they should be extended. With better highways and modern trucks we don't get physically punished as the old timers did. I also believe that some flexibility in enforcing hours of service should be installed. In my case I can make 3 trips in 11 ½ hours. When the roads get bad it might take 12 ½ to 13 hours. The state patrol tells us to slow down in adverse weather, but if I slow down then I have to skip the third load. Highway 101 was blocked for a fatality accident and I sat for 1 ½ hours and turned in 13 ½ total hours for that day. The next day I was over hours so I only pulled 2 loads. To me, this is not right! When doctors go through their internships they are up 48-72 hours sleeping when they can, with peoples' lives in their hands. What is wrong with a truck driver slowing down for road conditions and spending another 1 ½ to 2 hours in the truck? We have one haul that the driver are within 3 hours of home, but has to hold up in a motel for 8 hours, and then come home.

We have these giant motor homes traveling without any driver training, no license endorsements and nobody bothers to check them out until they kill little kids going to a baseball game. I think some rules should apply to them to protect my family as they travel in our family car.

Thank you

Sincerely



Phillip H. Sharpe
P. O. Box 666
Forks, Wa 98331

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FEDERAL
ADMINISTRATION

115-97

37 JAN 3 1968
RE: LOG BOOK RULES FOR INTERSTATE COMMERCE: SPOKANE, WA.

To whom it may concern -

Whether this letter will make any difference or not, or whether this letter will ever be read or not, I do not know. However, I feel it necessary to write, anyway.

I grew up in and around the trucking industry, where I gained a working knowledge of motor carrier operations. Unfortunately, my writing "skills" are not as vivacious.

My dad was vice president and general manager of a truck line in Seattle, Washington. I started working in the trucking business at 13 years old, sweeping the freight docks, emptying trash cans, and stacking (or re stacking) the freight on pallet boards. My pay at that time (about 1962) was \$4.00 per hr., which my dad paid me out of his own pocket. I worked mostly on weekends, holidays and through the summer, as I had school I had to attend.

As I grew older I learned how to operate a fork lift, (at 14 yrs. old) by practicing with moving empty pallet boards, stacking, and moving them around the freight dock.

At the age of 15 1/2 years old,

JESSE DALL
SOUTH 106 CEDAR #201
SPOKANE WA. 99204

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I rode with a P.D. (pickup & delivery) driver, and learned different routes and places where the drivers would go to pickup or deliver freight. At 16 years old, I got my own truck (a 20,000# gross, van body GMC) and my own route, or area of coverage.

After a three year enlistment in the U.S. Army (1967-1970) I returned to trucking until 1973, when I was hired (by my dad, indirectly) as a freight solicitor (sales) & remained in freight sales until 1978, when I became an owner-operator. I went broke in 1980, and since then, have come and gone from the trucking industry a few times, the most recent being last year (1996) when I drove long haul (48 STATES) for a truck company based in Spokane, Wa.

What I find puzzling, is the fact that, in over 30 years of technological advances in design and building big rigs the old, outdated log book rules remain the same. These newer trucks run better, handle easier, and ride better than the automobiles of the 1970's.

The log book rules of 10 hr per day and 70 hours per 8 days are, in my opinion very outmoded and unrealistic.

If safety were truly the main concern for these restrictive log book

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rules, please explain why, in California, a big truck or a vehicle with a trailer is restricted to 55 MPH, while a Greyhound bus full of passengers (some times as many as 40 people) is allowed to go 70 MPH!!

I would also like to hear your explanation of how it is that Boeing workers, building aircraft capable of carrying 400+ passengers are allowed to work 12 hour shifts around the clock - non stop if necessary and asked to do so.

The log book rules, in my opinion, are extremely archaic, and should be revised with more leniency for interstate truckers to be able to work and make a living. The fines involved for log book violations are, also, quite unfair and excessive.

I will close with this last question. Who is it that has something against the trucking industry that sets these ridiculous, overbearing, dictatorial "rules and fines"?

Get the drunks off the road, not the hardworking truck drivers of America.

Sincerely,
Jens Dahl

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1-15-97

97 JAN 3 P1:32

To whom it may concern:

1) ~~COLLECTIVE~~ ~~REGULAR~~ ~~SADLY~~ ~~ALERTNESS~~ (NOT ENOUGH REST)

IN MY EXPERIENCES AS AN OVER THE ROAD TRUCK DRIVER. TEAM DRIVING IS THE ENVIRONMENT WHICH CAUSES THE MOST SLEEPY DRIVING. NEXT WOULD BE WHEN YOU ARE ON THE EXTRA BOARD WITH AN LTC TYPE CARRIER.

TEAM DRIVING NOT ONLY GIVES POOR QUALITY SLEEP BUT ALSO ~~WASTES~~ THE LEAST AMOUNT OF RECREATIONAL WAKE PERIODS.

(SPEED) DRIVING A SLOW TRUCK ON LONG STRAIGHT ROADS SUCH AS I-80 IN NEBRASKA WOULD ALSO TEND TO LOWER ALERTNESS.

2) ACCIDENT PREVENTION

1) ~~THE BIGGEST~~ ~~ONE~~ ~~IS~~ ~~THE~~ ~~DRIVING~~ ~~LAWS~~ ~~ARE~~ ~~NOT~~ ~~ENFORCED~~ ~~BY~~ ~~THE~~ ~~POLICE~~. WHO KNOWS HOW FAST YOU SHOULD BE DRIVING WHEN EVERYONE IGNORES THE SPEED LIMIT AND RARELY IS ANYONE STOPPED. THE SAME WITH TURN SIGNALS, LIGHTS ON IN RAIN, ETC. PLANS LOGBOOK ARE VERY RARELY CHECKED. IT WOULD ONLY TAKE 10 SECS. AT THE WEIGH STATION IF THEY WOULD COME OUT TO THE TRUCKS.

MY SUGGESTION FOR AUTOMOBILES WOULD
BE TO PUT DECENT SIZED RECTANGULAR SHAPED
CONVEX MIRRORS IN PLACE OF THE WORKLASS
SIDEVIEW MIRRORS THEY NOW HAVE OR MOVE THE
MIRRORS TO THE FRONT OF THE FENDERS LIKE
IN JAPAN, SO THAT PEOPLE COULD SEE IF IT
IS CLEAR TO CHANGE LANES,

ALSO TRUCKS SHOULD NEVER BE GOVERNED
TO A SPEED SLOWER THAN THE SPEED LIMIT.
EVERYONE SHOULD FLOW AT THE SAME SPEED
AND THE SPEED SHOULD BE ENFORCED.

YOURS, Sam Binnitt

Sam Binnitt

USAF RETIRED

TRUCK DRIVER FOR 2 1/2 YRS

5 DIFFERENT COMPANIES

DOUBLES, TRIPLES, & TRUCKER
EXPERIENCE

ADDRESS: 1612 N. MAIN ST.

DUGO, ILL 62239

(618) 286 9104

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Thomas P. Impellizzeri-Owner/operator
33535 Shelley Lynne
Sterling Heights, Mi 483 12
January 27, 1997

Docket Clerk, Attn. FHWA Docket No. MC-96-28
Federal Highway Administration
Department of Transportation
Room 4232
400 7th St SW
Washington D.C. 20590

97 JAN 3 11:14
LEGS./REGS. DIV.
ADMINISTRATION

33. What consequences, if any, should be imposed upon a shipper/consignee if a driver violates the Hours of Service (HOS) requirements due to the actions or demands of the shipper/consignee?

First, I feel the driver should inform dispatch of any delay. If the driver is forced to complete his trip in violation, then the trucking company should also be found responsible. If dispatch and/or management cannot resolve such a conflict with their customer (ie shipper/consignee) then the trucking company should refuse the customer's business. However, this is very unlikely due to the cut-throat nature of the trucking industry. If problems with a specific shipper/consignee are persistent, some measure of "whistle-blowing" should be provided. In such instances, the shipper/consignee should also be cited and fined in equal amounts to the driver and/or trucking company for requiring unsafe practices in order to have its goods delivered. A description already exists in federal motor carrier standards, so why not for shippers/consignees?

34. How should the loading and unloading of freight, lumping, and engaging in activities other than driving be addressed?

I personally feel that a driver should not be required to load or unload someone else's freight. First, he may be injured, and given the high costs of medical costs/insurance these days, who **will** agree to pay for such costs? The trucking company will say the injury occurred while performing work for someone else at their location. The shipper/consignee will also refuse any responsibility due to the driver not being an employee of theirs. Second, most drivers are not paid to perform such duties, unless they are hourly to begin with. Drivers paid by the mile, or on a percentage basis may be compensated, but not always a fair amount for the work performed. Shippers and consignees are simply trying to reduce their personnel costs at the expense of their carriers. Lastly, if the carrier is paid, 100% of the collected charges should go to the driver performing the work. On lumping, requiring it should be illegal and reportable, period. I personally have never encountered such practices, it is a rather common complaint. Forcing a driver to pay for lumping is nothing short of extortion.

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35. How should situations where drivers encounter delays at shippers/consignees be considered in the proposal?

Some standard form of detention pay needs to be implemented. I currently haul containers, and there are very few exceptions where shippers/consignees do not ~~pay~~ when I am there over two hours. I have sat at docks for over four hours waiting for the same types of freight that other places have loaded in 20 minutes to an hour. All-too-often, drivers are pushed to meet a certain delivery time, only to find that his order is not ready, the paperwork still needs to be completed, or the dock workers are on break, lunch, or shift-change. Every one of these instances has caused me delays ranging from one to four hours, all of which should technically be logged as on-duty, not driving, taking away from my available hours to drive. It seems many places want the truck there early, "just in case" the product is. If the product is not ready, the trucker has to wait, without pay. Money is a motivator, and causes people to work harder and faster in a moment's notice. I've seen it. If I violate any vehicle or driver safety laws, I am subject to fines, so why can't shippers and consignees?

36. Should the FHWA seek legislation from Congress to regulate shippers and consignees to prohibit them from making demands on a motor carrier and its drivers that would cause a violation of the HOS rules? Why?

Yes. In road atlases and computer mileage programs, there are "average driving times" figured between major cities. In local and regional driving, both the trucking company and the shipper/consignee should be familiar enough with how long it may take to cross town, or get to and from each others' facilities. Of course, consideration should be given for weather, rush-hour traffic in congested areas and topography. Given all the above, how can a shipper or consignee require a trucking company to make a three hour trip in two without breaking any speeding laws? Similarly, if a driver is three hours away from his destination, but is out of hours, the shipper/consignee needs to realize the potential seriousness of the situation if that driver violates the federal HOS laws. However, the trucking companies do know, but should practice these policies more than perhaps many of them do, regardless of how important the freight or the customer may be.

None of these answers are meant to remove blame from the driver. If one certain driver is continuously late, the problem most likely lies with that driver. If several or more are repeatedly late, perhaps the company should look at its own demands, or those of its customers as well. Drivers are not the only parties involved in moving freight, but bear sole responsibility in doing so when it comes to penalties. Blame should be placed on the guilty, whether it be the dispatcher, shipper, consignee, or the driver. or any combination thereof. The difficult part will be proving who indeed is at fault forcing another to violate said laws. Thank you for your time.

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NO MC-96-288
FEDERAL
ADMINISTRATION



How should the loading and unloading of freight, lumping, and engaging in activities other than driving be addressed, Please provide data that supports your answer

All load's should be Shipper-load, Receiver Unload unless there is load shift, or damage, due to driver negligence, although driver's should be allowed to inspect a load before leaving a dock and note on the bill's any improper loading without fear of retribution Lumping is normally a kick back scheme where the receiver receives \$15 to \$20 cash kick back for dock use from the lumper for each truck unloaded, We should not have to pay. In many places if a driver try's to unload we are given unsafe equipment to work with, delayed by dock worker's in making room for our product, harassed in general, If we call the federally insured Dot officer's in the state we are told to call local police, if we call local police and they arrive we are cursed & threatened, by them they refuse to give us the badge number's on request and use such names as Sa-geant buck, then the broker is called and told we are never to return.

making documentation imposible, and violating our civil Right, and sevele Rights a Joke on the Road

This is the number one reason driver's quit I beleave

Plus lumper's do not pay taxes on the money they receive from us!

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①

What consequences, if any should be imposed upon a shipper or consignee if a driver violates the Hours of service (HOS) requirements due to actions or demands of the shipper or consignee.

The only cure for this problem would be actual time documentation, Require all shippers to record accurate clock in time clock out time on the bill's and require demurage paid to the truck for unreasonable load time delays, And require bill's to be noted if a driver must count freight or help load on duty time, rather than off duty while at shipper, and the same conditions at the receiver bill's noted driver required to unload, and if unreasonable time required demurage payed for extra time by receiver for truck and drivers time.

This would force driver's to run legal log book's as start and finish times would be verifiable on the start and finish on each trip, and fines are too high to run illegal and then get stopped in a scale for inspection.

②

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How Should situations where driver's encounter delay's at Shipper's or consignees be considered in the proposal

Make Shipper's and consignees record arrival, departure appointment times on bill's, and be charged for driver's time on delay's for driver and equipment, using a federal pay scale for truck, trailer and driver's mile rate times 55 miles per hour or freight rate times 55 example freight rate 1.⁰⁰ per mile 55 dollar's per hour.

③

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Should the FHWA Seek legislation from Congress to regulate Shippers and consignees to prohibit them from making demands on a motor carrier and its drivers that would cause a violation of the HOS rules

No, Most of the problem lies with the brokers they tell the shipper they have a truck. that can deliver there freight at x time, They Then dispatch the truck to pick up a load but dont give the driver delivery time, Say dont have all the information yet Just pick up # and pay rate, after load is on truck call back, Call back get bad news, and if not there you will pay delay charge, or never haul for me again, and such other threats, have broker pay all fines, and late charges the problem ends

Also Bringing in Mexican or foreign labor is not the answer There were 5.5 million american drivers now 3.5 million and 2 million Canadians Bring in 2 million mexicans there will shortly be 1.5 million american drivers do to deteriorating Job conditions

(4)

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James Berger
213 N Stephens
Spfld IL 62702

BYCE

DE

TO THE ~~ADMINISTRATIVE~~ FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT
OF TRANSPORTATION,
97 JAN 3 P1:32

IN MY ~~LABOR~~ MAGAZINE EACH READER/DRIVER
IS ASKED TO ANSWER QUESTIONS THAT WILL BE
REVIEWED BY THE FHWA, TO DECIDE ON IF
ANY RULES OR LEGISLATION SHOULD BE IMPLEMENTED
TO BRING CHANGE TO PROBLEMS THAT HAVE BEEN IN THE
TRUCKING BUSINESS FOR MORE THAN FORTY YEARS!

I WILL BE HAPPY TO ANSWER ALL OF THE QUESTIONS
BUT I HAVE ONE QUESTION FOR THE FHWA,
WHY, WHEN A FINAL DECISION IS MADE, WILL I
TAKE TWO TO THREE YEARS TO IMPLEMENT, WHAT
IS THE REASON FOR THE DELAY!

I HAVE HEARD FOR YEARS AND YEARS, A LOT OF TALK,
WELL TALK IS CHEAP, ACTIONS ARE WHAT MAKE
THE WORLD GO ROUND!

FOR PEOPLE LIKE MYSELF, TWENTY PLUS YEARS IN THIS
BUSINESS, I HAVE SEEN WAGES GO DOWN, DEMANDS ON
DRIVERS GO UP, REGULATIONS GET HARDER, FINES GET
MORE COSTLY, AND THE GOVERNMENT AND TRUCKING
COMPANYS WONDER WHY ITS SO HARD TO FIND
QUALIFIED DRIVERS TO DO THIS JOB, AND AFTER
ALL THE TALK, ITS APPARENT NO ONE HAS A
CLUE OF WHAT REALLY GOES ON OUTSIDE THERE
LITTLE WORLD!

I HOPE TO GOD THAT ALL THE INPUT FROM THE
DRIVERS MAKES A DIFFERENCE, BUT I WON'T BELIEVE
IT UNTIL I SEE IT!

OVER

William D. Nelson
2225 W. Indian School Rd.
Box 620
Phoenix, Arizona 85015

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THE MEN AND WOMEN IN THE TRUCKING BUSINESS
GIVE UP A LOT, TO DO THIS JOB, AND DO IT WITH
PRIDE, AND THERE REWARD FOR A JOB WELL DONE
IS, LOW PAY, LONG HOURS, BAD WEATHER, BAD FOOD,
HEALTH PROBLEMS, AND THE LIST GOES ON AND ON!
SO AS I END MY LETTER, PLEASE REMEMBER THAT
THE RULES THAT YOU DECIDE ON WILL EFFECT MANY
HARD WORKING PEOPLE WHO BRING THIS COUNTRY
TOGETHER, WITHOUT THESE HARD WORKING PEOPLE
THE MEDICINE YOUR CHILDREN TAKE TO GET HEALTHIER
IS DELIVERED BY THESE HARD WORKING PEOPLE!
DON'T GIVE THEM A REASON TO QUIT!

SHIPPER'S, CONSIGNEE, AND TRUCKING COMPANY OWNERS
HAVE HAD THE UPPER HAND IN MAKING THESE PROBLEMS
COME ABOUT, ITS TIME THAT THE FMWA TURN'S IT
AROUND TO MAKE A FAIR PLAYING FIELD FOR EVERYONE!
PLEASE NO MORE TALK, ACTION, ACTION, ACTION!

THANK YOU FOR YOUR TIME

William R NELSON

PHOENIX ARIZONA

51:35

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